

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

MICHAEL GRECCO PRODUCTIONS, INC.,

Plaintiff,

-against-

ALAMY INC. AND ALAMY LTD.,

Defendants.

1:18-cv-03260 (PKC)(RER)

DECLARATION OF NANCY E. WOLFF

NANCY E. WOLFF, being duly sworn, deposes and says:

1. I am a partner in the law firm of Cowan, DeBaets, Abrahams, & Sheppard LLP, counsel for defendants Alamy Inc. (“US Alamy”) and Alamy Ltd. (“UK Alamy” and together with US Alamy, the “Defendants”).

2. I submit this declaration in support of Defendants’ motion for summary judgment against plaintiff Michael Grecco Productions, Inc. (“Plaintiff”).

3. A true and correct copy of excerpts of the transcript from the deposition of UK Alamy’s Fed. R. Civ. P. 30(b)(6) witness, John Schilizzi, taken on September 10, 2019, is attached hereto as **Exhibit A**.

4. A true and correct copy of excerpts from the transcript of the deposition of UK Alamy’s Fed. R. Civ. P. 30(b)(6) witness, John Schilizzi, taken on September 25, 2020, is attached hereto as **Exhibit B**.

5. A true and correct copy of excerpts from the transcript of the deposition of UK Alamy’s Fed. R. Civ. P. 30(b)(6) witness, John Schilizzi, taken on October 12, 2020, is attached hereto as **Exhibit C**.

6. A true and correct copy of excerpts from the transcript of the deposition of US Alamy’s Fed. R. Civ. P. 30(b)(6) witness, Jane Serember, taken on September 19, 2019, is attached hereto as **Exhibit D**.

7. A true and correct copy of excerpts from the transcript of the deposition of Plaintiff's Fed. R. Civ. P. 30(b)(6) witness, Michael Grecco, taken on September 14, 2020, is attached hereto as **Exhibit E**.

8. Michael Grecco, the owner of Plaintiff Michael Grecco Photography, Inc., uses the company to license his photographs and to bring copyright infringement claims.

9. Handout photos are provided to news organizations and media companies for free by studios when general access by the media is either denied or impossible.

10. Handout photos images are used for promotional and marketing purposes with the goal of being widely distributed.

11. These duplicate slide photos from that era were commissioned by studios expressly for mass distribution and free publication by the media to promote the shows and actors without restriction.

12. It has been common practice for archives to collect stills from that era, making it easier for publishers to access digital copies for publication.

13. A true and correct copy of the report of Defendants' expert witness, Eric Rachlis, is attached hereto as **Exhibit F**.

14. Discovery has revealed that Plaintiff may not own the copyright to some of the Images.

15. A true and correct copy of a document produced by Plaintiff Bates stamped MGPI002241-MGP1002257, which contains the Non-Exclusive Contributor Agreement between Plaintiff and RGB Ventures LLC d/b/a SuperStock dated June 12, 2012 (the "SuperStock Agreement"), is attached hereto as **Exhibit G**.

16. A true and correct copy of a document produced by Plaintiff Bates stamped MGPI000371-MGPI000390, which contains a printout of Michael Ventura's post on the Platform's forum titled "Have you found any Alamy photographs? January 14," is attached hereto as **Exhibit H**.

17. A true and correct copy of a document produced by Plaintiff Bates stamped

MGPI001239, which is a screenshot of Michael Ventura's post on the Platform's forum titled "Have you found any Alamy photographs? January 14," is attached hereto as **Exhibit I**.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, belief, and recollection.

Dated: New York, New York
June 5, 2023

/s/ Nancy E. Wolff
Nancy E. Wolff